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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL S. ALLISON, STEPHEN J. SILVA, and
STEPHEN PATRICK HACK

Appeal 2009-001111
Application 09/917,377
Technology Center 2100

Decided: May 6, 2010

Before JOSEPH L. DIXON, ST. JOHN COURTENAY III, and
JAY P. LUCAS, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

A Patent Examiner rejected claims 1-7 and 9-20. The Appellants appeal therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

A. INVENTION

The invention at issue on appeal relates to:

[M]ethodology and processes that extract, separate, filter, and/or transform internally generated events deriving from electronic architectures such as server systems. The internally generated events may for example include chassis logs associated with one or more entities within the electronic architecture. The methodology also preferably transforms chassis logs (typically in binary format) to a text string. The text strings define one or more problems of the electronic architecture. The text strings are input to a series of analyzers corresponding to the series of entities within the architecture. The text strings define a problem detail file and a sequence of chassis codes linked to issues (e.g., problems or system health) within the architecture. The invention thus includes methodology to analyze the text strings, and to generate language statements representative of one or more chassis codes.

(Abstract.)

B. ILLUSTRATIVE CLAIM

Claim 1, which further illustrates the invention, follows.

1. A method for processing events from electronic architecture, the architecture having a plurality of entities generating the events, comprising the steps of:

extracting the events from the architecture;

separating the events according to the entities;

transforming the events to one or more text strings; and

analyzing the one or more text strings to produce a human interpretable statement summarizing at least one of the events associated with the one or more text strings.

C. REJECTIONS

Claims 1-4, 6-7, 9, and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chirashnya et al. (US 6,598,179 B1).

Claims 5 and 10-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chirashnya as applied to claims 1-9 and 16-20 above, and in view of Leong et al. (US 6,269,398 B1).

Claims 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chirashnya and in view of Prorock (US 6,754,704 B1).

II. ISSUE

Has the Examiner erred in finding that Chirashnya anticipates independent claim 1? Specifically, has the Examiner erred in finding Chirashnya teaches “transforming the events to one or more text strings?”

III. ANALYSIS

ANTICIPATION

At the outset, we note that Appellants elect to group claims 1-7 and 9-20 together as a group and only separately argue dependent claim 13. (App. Br. 7; App. Br. 9). Appellants address independent claims 1 and 18 as a group, and we select independent claim 1 as the representative claim and will address Appellants' arguments with respect to this limitation. (We note the two claims are addressed under different statutory grounds of rejection, but the sole disputed limitation is based in Chirashnya.)

The Examiner finds that Chirashnya teaches the claimed "transforming the events to one or more text strings" and relies upon column 6 of Chirashnya and "analyzing for one or more text strings..." at column 12

of Chirashnya. We find the Examiner's two relied-upon teachings to clearly evidence that Chirashnya teaches the use of "text strings." While the "text strings" may not be as complicated as disclosed in Appellants' Specification, we find the Examiner's reasoning as disclosed in the Answer at pages 12-14 to be reasonable that Chirashnya discloses "text strings." Furthermore, column 6, lines 25-28, of Chirashnya states that "the ELA reads the corresponding result from the results table 42. The result is shown, preferably on display 28, as a message 44 to the computer user." We find that if the ELA reads the results table then the "R1" and "R2" would be present in the Table and used as part of the text string.

Moreover, we find no requirement that the claimed "text string" necessarily be required to have non-numeric values. Appellants have not identified any specific definition from the Specification for "text string." At page 8 of the Brief, Appellants further contend that the teachings of column 10 of Chirashnya with respect to Table III which corresponds to the form of entries in events set, used in analysis stage 38 in accordance with the preferred embodiment of the invention of Chirashnya that the "Result Number, the Result Number must always be an integer, *not* a text string; otherwise a data-type conflict would result." (App. Br. 8; Reply Br. 2). We disagree with Appellants' narrow interpretation of "text string." The Examiner maintains that "[t]he characters '1', '3', '5' are not [necessarily] integers, because they can be text string[s] as well. Characters 0-9 are represented in the well-known ASCII table . . . by Decimal values 48-57, which indicates that characters 0-9 are text string[s]." (Ans. 13; Reply Br. 3.)

We agree with the Examiner's reasoning and find Appellants' interpretation of "text string" to be too narrow in view of the Examiner's proffered definition of "text" as "Data composed only of standard ASCII characters, without any formatting codes." (Ans. 13). Here, the Examiner argues the data is composed only of standard ASCII characters without any formatting codes. Again, we reiterate that Appellants have provided no intrinsic or extrinsic evidence in either the Brief or the Reply Brief to contradict the Examiner's proffered definition or to offer a more appropriate interpretation in light of Appellants' Specification. Therefore, Appellants have not shown error in the Examiner's reasonable interpretation of the claimed invention and the reasonable application of the prior art teachings of Chirashnya to the invention as recited in independent claim 1. Therefore, we will sustain the rejection of independent claim 1 and dependent claims 2-4, 6, 7, 9, and 16 grouped therewith by Appellants.

OBVIOUSNESS

Since Appellants have elected to group independent claim 18 with independent claim 1 and have not presented separate arguments for patentability, we similarly find Appellants' arguments unpersuasive of error in the Examiner's reasoned conclusion of obviousness. Therefore, we will sustain the rejection of independent claim 18 under obviousness.

Since Appellants have not separately argued the rejection of dependent claims 5, 10-12, 14, 15, 17, 19, and 20 under obviousness we will group these claims as falling with their respective independent claims 1 and 18.

With respect to dependent claim 13, Appellants repeat the language of dependent claim 13 as it depends from dependent claim 10 and conclude that the teachings of Leong with respect to a network administrator creating commands which are later executed in some automatic fashion does not teach or suggest the claimed "*updating command line options* at all, much less updating these options automatically from the architecture." (App. Br. 9; Reply Br. 4). We are left to speculate as to Appellants' rationale for the distinction since Appellants have not expressed a line of reasoning for the distinction. Furthermore, from our review of Appellants' Summary of the Claimed Subject Matter for dependent claim 13 at pages 3-4 of the Brief and paragraph [0020] of the Specification, we find no further clarification for Appellants' argument.

We find the Examiner's claim interpretation and application of the prior art thereto to be reasonable. In the Reply Brief, Appellants argue that the Examiner misinterprets the claimed invention and Appellants' reiterate that Leong does not teach or suggest the invention as recited in dependent claim 13, but does not provide any substantive analysis thereof. Therefore, Appellants have not shown error in the Examiner's reasoned conclusion of obviousness of dependent claim 13. Therefore, we will sustain the rejection of claim 13.

IV. CONCLUSION

For the aforementioned reasons, we find it Examiner has not erred in the finding of anticipation and obviousness of all pending claims.

V. ORDER

We affirm the anticipation rejection of claims 1-4, 6-7, 9, and 16 and affirm the obviousness rejections of claims 5, 10-15, and 17-20.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(iv).

AFFIRMED

rwk

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